



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,377	12/27/2000	Hirofumi Hidari	108253	3843

25944 7590 09/28/2004

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

HERNANDEZ, NELSON D

ART UNIT PAPER NUMBER

2612

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,377

Applicant(s)

HIDARI ET AL.

Examiner

Nelson D. Hernandez

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-23, 25-29 and 31-36 is/are allowed.
- 6) ☒ Claim(s) 24, 30 and 37-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Examiner acknowledges the amendments entered on August 30, 2001. The cancellation of claims 1-20 and the addition of claims 21-40 are accepted.

Drawings

2. The drawings are objected to because the following informalities:

In fig. 1: 5, "REFLECTING MILLOR" should be written as "REFLECTING MIRROR".

In fig. 1: 11, "INFRATED LIGHT RECEIVING-ELEMENT" should be written as "INFRARED LIGHT RECEIVING-ELEMENT".

In FIG. 2: 5, "REFLECTING MILLOR" should be written as "REFLECTING MIRROR".

In fig. 2: 11, "INFRATED LIGHT RECEIVING-ELEMENT" should be written as "INFRARED LIGHT RECEIVING-ELEMENT".

In fig. 5: S504, "STRAGE/NON/STRAGE STATUS CHANGED AT IMAGE-CAPTURING UNIT?" should be written as "STATE/NON-STATE STATUS CHANGED AT IMAGE-CAPTURING UNIT?".

In fig. 6: S504, "STRAGE/NON-STRAGE STATUS CHANGED AT IMAGE-CAPTURING UNIT?" should be written as "STATE/NON-STATE STATUS CHANGED AT IMAGE-CAPTURING UNIT?".

In fig. 8: S504, "STRAGE/NON/STRAGE STATUS CHANGED AT IMAGE-CAPTURING UNIT?" should be written as "STATE/NON-STATE STATUS CHANGED AT IMAGE-CAPTURING UNIT?".

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Marked-up Drawings" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 37 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Hinman, US Patent 5,940,049.

Regarding claim 37, Hinman discloses an image input/output apparatus (Figs. 2 and 7), comprising; an image-capturing device (Figs. 2: 15 and 7: 15) that captures an image of a subject (Fig. 2: 13) placed on a stage; an image generating means (Fig. 2: 39) for generating an image based upon an image signal input thereto; a projection illuminating device (Fig. 2: 29) that illuminates and projects the image generated by said image generating means; a selector (Fig. 6: 122 and 124; see also fig. 3) for selecting and outputting to said image generating means either a first image signal input from said image-capturing device or a second image signal input from an image from the outside (Projector in fig. 5: 101 connected to projector 107 by using modems 103 and 105 and telephone lines 104); a detection means (Projector detects signal from the outside when connecting to the other projector, col. 6, lines 12-49) for detecting whether or not the first image signal or the second image signal has been input; and a control means (Fig. 2: 21 with application program in fig. 6) for driving said selector so as to output the image signal, the input of which has been detected by said detection means (Col. 3, lines 35-60; col. 4, lines 21-64; col. 5, line 47 – col. 6, line 49).

Regarding claim 39, Hinman discloses a document presentation apparatus (Figs. 2 and 7), comprising; an image-capturing device (Figs. 2: 15 and 7: 15) that captures an image of a subject (Fig. 2: 13) placed on a stage; a selector (Fig. 6: 122 and 124; see also fig. 3) for selecting and outputting either a first image signal input from said image-capturing device or a second image signal input from the outside (Projector in fig. 5: 101 connected to projector 107 by using modems 103 and 105 and telephone lines 104); a detection means (Projector detects signal from the outside when connecting to the other projector, col. 6, lines 12-49) for detecting whether or not the first image signal or the second image signal has been input; and a controller (Fig. 2: 21 with application program in fig. 6) for driving said selector so as to output the image signal, the input of which has been detected by said detection means (Col. 3, lines 35-60; col. 4, lines 21-64; col. 5, line 47 – col. 6, line 49).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 24, 30, 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinman, US Patent 5,940,049.

Regarding claim 24, Hinman discloses an image input/output apparatus (Figs. 2 and 7) comprising; an image-capturing device (Figs. 2: 15 and 7: 15) that assumes the operating state or the non-operating state and captures an image of a subject (Fig. 2:

Art Unit: 2612

13) placed on a stage; an image generating means for generating an image based upon an image signal input thereto; a projection illuminating device (Fig. 2: 29) that illuminates and projects the image generated by the image generating means (Fig. 2: 39); and a controller (Motherboard in fig. 2: 21) that turns on said projection illuminating device when said image-capturing device is in the operating state (Col. 3, lines 36-60; col. 4, lines 21-33). Hinman does not explicitly disclose a detector that detects whether or not said image-capturing device is in the operating state; and that the control means turns on said projection illuminating device if said detection means detects that said image-capturing device is in the operating state. However, Hinman teaches that the image detected by the image capturing means can be previewed in the image plate (Fig. 2: 39) (Col. 4, lines 52-64). The motherboard (Fig. 2: 21) needs to receive the signal from the image-capturing device prior to send an image signal to the projector image plate (Fig. 2: 39) in order to display the image being captured, otherwise the motherboard can not output the image signal to said projector image plate, so the motherboard works also as a detector for detecting that said image-capturing device is in the non-operating state. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hinman's apparatus by detecting that the image-capturing device is in an operating state so as to turn on the projection illumination means in order to output images captured by the image-capturing device.

Regarding claim 30, Hinman discloses a document presentation apparatus (Figs. 2 and 7) comprising; an image-capturing device (Figs. 2: 15 and 7: 15) that assumes the operating state or the non-operating state, captures an image of a subject (Fig. 2:

Art Unit: 2612

13) placed on a stage and outputs an image signal and a prohibitor (Figs. 2: 21 and 2: 31) that prohibits output of the image signal if said image-capturing device is in the non-operating state (Col. 3, lines 36-60; col. 4, lines 21-33). Hinman does not explicitly disclose a detector that detects whether or not said image-capturing device is in the non-operating state and that the prohibitor prohibits output of the image signal if said detection means detects that said image-capturing device is in the non-operating state. However, when turning on the image apparatus, the motherboard (Fig. 2: 21) needs to receive the signal from the image-capturing device prior to output the image signal to the projector image plate (Fig. 2: 39), otherwise the motherboard can not output the image signal to said projector image plate. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hinman's apparatus by having the motherboard working as a prohibitor for prohibiting output of the image signal if said motherboard detects that said image-capturing device is in the non-operating state.

Regarding claim 38, Hinman does not explicitly disclose that the controller prohibits an image signal output by said selector if said detector does not detect either the first image signal or the second image signal. Hinman teaches a detector (Projector detects signal from the outside when connecting to the other projector, col. 6, lines 12-49) for detecting whether or not the first image signal or the second image signal has been input; and a controller (Motherboard in fig. 2: 21 with application program in fig. 6) for driving said selector so as to output the image signal, the input of which has been detected by said detection means (Col. 3, lines 35-60; col. 4, lines 21-64; col. 5, line 47

Art Unit: 2612

– col. 6, line 49). The motherboard (Fig. 2: 21) needs to receive the signal from the image-capturing device or the outside prior to send an image signal to the projector image plate (Fig. 2: 39) in order to display the image being captured, otherwise the motherboard can not output the image signal to said projector image plate (Fig. 2: 39), so the motherboard works also as a detecting means for detecting said first image signal or the second image signal. Therefore, detecting said first image signal or the second image signal is necessitated to output an image signal to the image plate. The motivation to do so would help determine which one of the signal inputs will be output to the imaging plate in Hinman.

Regarding claim 40, grounds for rejecting claim 38 apply here.

Allowable Subject Matter

8. Claims 21-23, 25-29, 31-36 allowed.

9. The following is a statement of reasons for the indication of allowable subject matter: the prior art of records, neither anticipates nor renders obvious the following limitations as claimed:

Regarding claims 21, 24, 27, 31, 33, 35 and 36, prior arts fail to anticipate or suggest the limitation of detecting the operating state of the imaging device so as to select and output to an image generating means either a first image signal output by an image-capturing device or a second image signal input from the outside; and a control means for driving said selector so as to select the first image signal said detection means detects that said image-capturing device is in the operating state as claimed.

In US Patent 5,940,049, Hinman discloses an image input/output apparatus (Figs. 2 and 7), comprising; an image-capturing device (Figs. 2: 15 and 7: 15) that captures an image of a subject (Fig. 2: 13) placed on a stage; an image generating means (Fig. 2: 39) for generating an image based upon an image signal input thereto; a projection illuminating device (Fig. 2: 29) that illuminates and projects the image generated by said image generating means; a selector (Fig. 6: 122 and 124; see also fig. 3) for selecting and outputting to said image generating means either a first image signal input from said image-capturing device or a second image signal input from an image from the outside (Projector in fig. 5: 101 connected to projector 107 by using modems 103 and 105 and telephone lines 104); a detection means (Projector detects signal from the outside when connecting to the other projector, col. 6, lines 12-49) for detecting whether or not the first image signal or the second image signal has been input; and a control means (Fig. 2: 21 with application program in fig. 6) for driving said selector so as to output the image signal, the input of which has been detected by said detection means (Col. 3, lines 35-60; col. 4, lines 21-64; col. 5, line 47 – col. 6, line 49).

However, Hinman fails to anticipate or suggest the limitation of detecting the operating state of the imaging device so as to select and output to an image generating means either a first image signal output by an image-capturing device or a second image signal input from the outside; and a control means for driving said selector so as to select the first image signal said detection means detects that said image-capturing device is in the operating state.

Regarding claims 25, 26, 28 and 29, prior arts fail to anticipate or suggest determination means for determining that said subject illuminating device is fully lit; and a control means for turning on said subject illuminating device if said detection means detects that said image-capturing device is in the operating state and prohibiting output of the image signal until said determination means determines that said subject illuminating device is fully lit as claimed.

In US Patent 5,940,049, Hinman discloses an image input/output apparatus (Figs. 2 and 7), comprising; an image-capturing device (Figs. 2: 15 and 7: 15) that captures an image of a subject (Fig. 2: 13) placed on a stage; an image generating means (Fig. 2: 39) for generating an image based upon an image signal input thereto; a projection illuminating device (Fig. 2: 29) that illuminates and projects the image generated by said image generating means; a selector (Fig. 6: 122 and 124; see also fig. 3) for selecting and outputting to said image generating means either a first image signal input from said image-capturing device or a second image signal input from an image from the outside (Projector in fig. 5: 101 connected to projector 107 by using modems 103 and 105 and telephone lines 104); a detection means (Projector detects signal from the outside when connecting to the other projector, col. 6, lines 12-49) for detecting whether or not the first image signal or the second image signal has been input; and a control means (Fig. 2: 21 with application program in fig. 6) for driving said selector so as to output the image signal, the input of which has been detected by said detection means (Col. 3, lines 35-60; col. 4, lines 21-64; col. 5, line 47 – col. 6, line 49).

Art Unit: 2612

However, Hinman fails to anticipate or suggest determination means for determining that said subject illuminating device is fully lit; and a control means for turning on said subject illuminating device if said detection means detects that said image-capturing device is in the operating state and prohibiting output of the image signal until said determination means determines that said subject illuminating device is fully lit as claimed.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (703) 305-8717. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nelson D. Hernandez

Application/Control Number: 09/748,377
Art Unit: 2612

Page 12

Examiner
Art Unit 2612

NDHH
September 17, 2004



NGOC-YEN VU
PRIMARY EXAMINER